

REMARKS

Claims 1-8 are pending. By this Amendment, Figs. 1 and 2 are corrected pursuant to the attached replacement sheets and the Specification is amended.

I. The Drawings Satisfy All Formal Requirements

The Office Action objects to the drawings for not showing every feature of the invention. Figs. 1 and 2 are corrected by the attached replacement sheets to obviate the objection. Specifically, the drawings are corrected to include reference numbers 66 and 68. Additionally, the Specification has been updated to include corresponding reference numbers. No new matter has been entered.

Further, new paragraphs are added to include the subject matter from the provisional application filed on August 23, 2000, and the cancelled originally filed claims. No new matter has been added since the added text was incorporated by reference in the present application. Withdrawal of the objection to the drawings is respectfully requested.

II. The Specification Satisfies all Formal Requirements

The Office Action objects to the specification for failing to provide proper antecedent basis for the claimed subject matter. Specifically, the Office Action objects to the Specification for containing differences between the claim limitations and the disclosure of the Specification. The Specification is amended to obviate the objection.

A. Stud Element

The Examiner queries whether the term “stud element” is the framing stud assembly or another part of the invention. In reply, Applicant amends the Specification to recite: “one first end 31, which is more generally referred to as a stud element of the framing stud assembly,” and

“One second end 32, which is more generally referred to as a stud element of the framing stud assembly.”

B. Wall Panel

The Examiner queries whether the term “wall panel” is the straight insulated panel or another part of the invention. In reply, Applicant respectfully asserts that the term “wall panel” is used for the term straight insulated panel because it is a panel of a wall and the panel is not required to be straight or insulated. Additionally, one skilled in the art would know, from a reading of the Specification and drawings, what the term wall panel means. For example, the disclosure refers to a “panel system for assembling shed or unfinished walls.”

No new matter has been added. Withdrawal of the objection to the specification is respectfully requested.

III. The Claims Define Allowable Subject Matter

The Office Action rejects claims 1-8 under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 6,698,710 to VanderWerf (“VanderWerf”). The rejection is respectfully traversed.

Applicant submits that VanderWerf should be removed as prior art in the present application under 35 U.S.C. §103. The filing date of VanderWerf is December 20, 2000, which is subsequent to the priority date of the present application. The present application claims priority to U.S. Patent Application No. 09/938,713 and U.S. Provisional Application No. 60/197,039 which predates the effective prior art date of VanderWerf. Provisional Patent Application No. 60/197,039 was filed on August 23, 2000.

Accordingly, Applicant respectfully asserts that the rejection under 35 U.S.C. §103 should be withdrawn because the applied reference should not be considered as prior art and

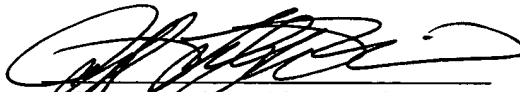
cannot preclude patentability. Applicant respectfully asserts that the rejection of claims 1-8 is improper and should be withdrawn.

IV. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-8 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number set forth below.

Dated this 4th day of August, 2004.



Jeffery M. Lillywhite, Registration No. 53,220
HOLME ROBERTS & OWEN, LLP
Customer No. 34013
299 South Main, Suite 1800
Salt Lake City, UT 84111
801-521-5800



1/2

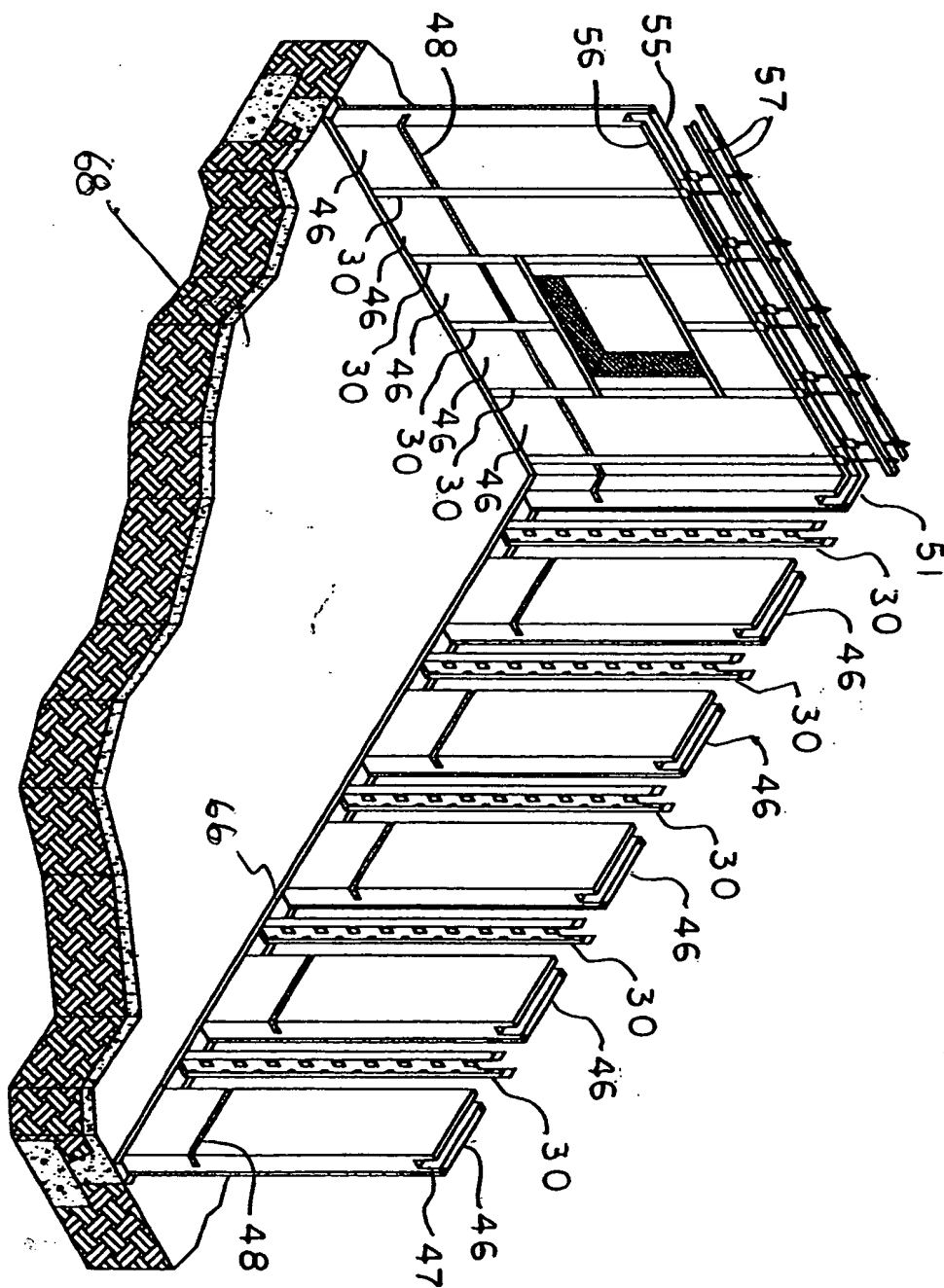


FIG 1

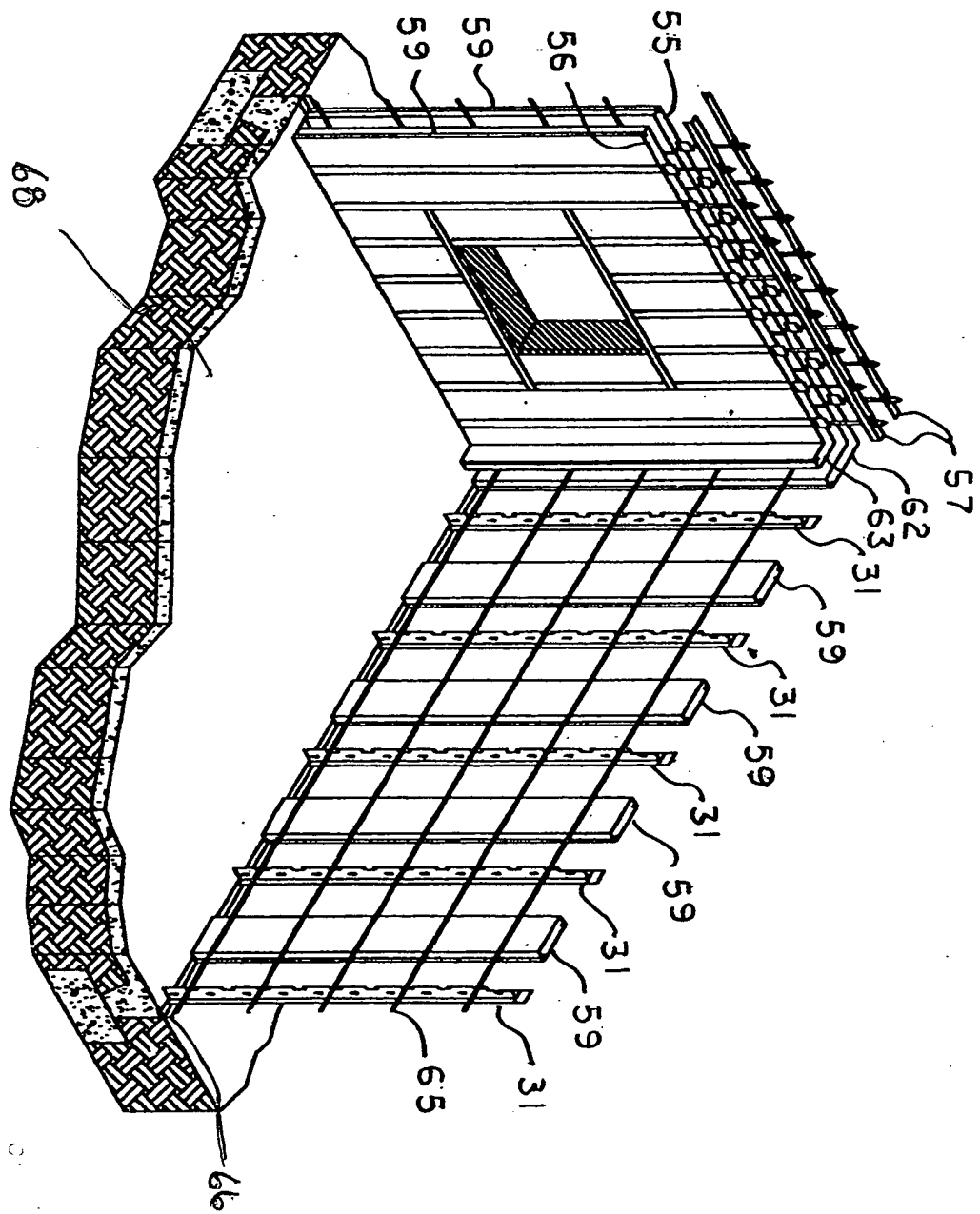


FIG 2